

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NORMAN HANSEN,

Plaintiff,

v.

INTERNATIONAL PAINTERS AND
ALLIED TRADES INDUSTRY PENSION
PLAN and BOARD OF TRUSTEES OF
THE INTERNATIONAL PAINTERS AND
ALLIED TRADES INDUSTRY PENSION
PLAN,

Defendants.

CIVIL ACTION

No. 16-5028

ORDER

AND NOW, this 11th day of October, 2017, upon consideration of the Cross-Motions for Summary Judgment filed by Plaintiff Norman Hansen (“Plaintiff”) and Defendants International Painters and Allied Trades Industry Pension Plan (“Pension Plan”) and Board of Trustees of the International Painters and Allied Trades Industry Pension Plan (“Board of Trustees”) (collectively, “Defendants”), and all of the responses, replies, and sur-replies, it is hereby **ORDERED** that Plaintiff’s Motion for Summary Judgment (Doc. No. 11) is **DENIED** and Defendants’ Motion for Summary Judgment (Doc. No. 10) is **GRANTED IN PART** and **DENIED IN PART**. It is further **ORDERED** that:

1. as it pertains to Count I of Plaintiff’s Complaint, this matter is **REMANDED** to the Board of Trustees for a determination of whether Plaintiff’s employer was obligated to make contributions to the Pension Plan pursuant to a collective bargaining agreement between Plaintiff’s employer and the International Union of Painters and Allied Trades. Accordingly, Plaintiff’s and Defendants’ Motions are **DENIED** as to Count I; and

2. Defendants' Motion as to Counts II, III, and IV is **GRANTED**, and Plaintiff's Motion is **DENIED** as to Counts II, III, and IV. Counts II, III, and IV are **DISMISSED WITH PREJUDICE**.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE